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EXAMINER

RENNER, CRAIG A

ART UNIT PAPER NUMBER

2627

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,469

Applicant(s)

SAITO, HITOSHI

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>17 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it is missing the residence, citizenship, post office address, and signature of the other "joint inventors".

Drawings

3. The drawings are objected to because of the following informalities:
 - a. The drawings fail to comply with 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "signal writing means for writing a signal to a recording media and/or signal reading means for reading a signal from the recording media, provided within said body," as set forth in lines 3-5 of claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

b. In FIG. 9, reference sign "33a" should be changed to --30a-- in order to be consistent with the remainder of the disclosure.

c. In FIG. 13, reference sign "32b" should be changed to --33b-- in order to be consistent with the remainder of the disclosure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) and/or an amendment to the claims in compliance with 37 CFR 1.121(c) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The abstract of the disclosure is objected to because it does not avoid "the form and legal phraseology often used in patent claims". Note, for instance, the legal phraseology "means" appearing twice in line 5 and once in line 6 thereof. Appropriate correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

a. In the preliminary amendment filed 15 October 2003, in line 1 of the replaced paragraph beginning on page 7, line 24, "Figs. 8A, 8B, 8C, 8D, and 8E" should be changed to --Figs. 8A, 8B, 8C, and 8D-- since there is no Fig. 8E.

b. In line 5 of claim 4, "providing" should be changed to --provided-- for better clarity.

Appropriate correction is required.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 10 of claim 3 and line 3 of claim 4, it is indefinite as to whether each instance of "said engagement" refers to that set forth in 10 of independent claim 1, or that set forth in line 8 of base claim 3.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Suganuma et al. (JP 08-255396).

Suganuma teaches a recording media drive apparatus comprising a body (8); signal writing means (one of 34 and 35) for writing a signal to a recording media (1) and/or signal reading means (the other of 34 and 35) for reading a signal from the

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recording media, provided within the body; and a front panel (21), covering the front of the body and having an insertion/removal opening (22) for inserting and removing the recording media to and from the body, wherein the front panel is supported in a detachable manner as a result of engagement with the body (paragraph [0033], for instance), and the engagement is achieved by moving the front panel towards the body, and a force to move the front panel in a direction away from the body acts in a direction releasing the engagement (paragraph [0033], for instance) [as per claim 1]; wherein the engagement is achieved by mutual engagement of an engaging hole (31) provided at one of the front panel and the body and an engaging projection (32-2) provided at the remaining one of the front panel and the body, and an inclined surface is formed at the engaging projection or at an edge of an opening of the engaging hole (as shown in FIG. 6, for instance) so as to cause the engaging projection or the engaging hole to move in a direction away from the engaging hole or the engaging projection as a result of applying force to cause the front panel to move in a direction away from the body (paragraph [0033], for instance) [as per claim 2].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suganuma et al. (JP 08-255396) in view of Suzuki (JP 07-029279).

Suganuma teaches the recording media drive apparatus as detailed in paragraph 11, supra, further comprising a slider (24), provided within the body, for inducing an eject motion for ejecting the recording media installed within the body from the insertion/removal opening as a result of pushing from the front, and an eject button (24-2) projecting forwards from the front panel. Suganuma, however, remains silent as to the eject button being "fitted in a detachable manner as a result of engagement with said slider, wherein said engagement is achieved as a result of causing said eject button to move towards said slider, and a force causing said eject button to move in a direction away from said slider acts in a direction releasing said engagement" as per claim 3, "wherein said engagement is achieved by mutual engagement of an engaging hole provided at one of said eject button and said slider and an engaging projection providing at the remaining one of said eject button and said slider, and an inclined surface is formed at said engaging projection or an edge of an opening of said engaging hole so as to cause said engaging projection or said engaging hole to move in a direction away from said engaging hole or said engaging projection as a result of applying force to cause said eject button to move in a direction away from said slider" as per claim 4.

Suzuki teaches an eject button (40) being fitted in a detachable manner as a result of engagement with a slider (lines 3-4 in the "CONSTITUTION", for instance), wherein the engagement is achieved as a result of causing the eject button to move

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towards the slider, and a force causing the eject button to move in a direction away from the slider acts in a direction releasing the engagement, wherein the engagement is achieved by mutual engagement of an engaging hole (45) provided at one of the eject button and the slider and an engaging projection (29) providing at the remaining one of the eject button and the slider, and an inclined surface is formed at the engaging projection or an edge of an opening of the engaging hole (as shown in FIGS. 2-3, for instance) so as to cause the engaging projection or the engaging hole to move in a direction away from the engaging hole or the engaging projection as a result of applying force to cause the eject button to move in a direction away from the slider (lines 3-4 in the "CONSTITUTION", for instance), in the same field of endeavor for the purpose of enabling ejection button replacement. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the eject button of Suganuma be fitted in a detachable manner as a result of engagement with a slider, wherein the engagement is achieved as a result of causing the eject button to move towards the slider, and a force causing the eject button to move in a direction away from the slider acts in a direction releasing the engagement, wherein the engagement is achieved by mutual engagement of an engaging hole provided at one of the eject button and the slider and an engaging projection providing at the remaining one of the eject button and the slider, and an inclined surface is formed at the engaging projection or an edge of an opening of the engaging hole so as to cause the engaging projection or the engaging hole to move in a direction away from the engaging hole or the engaging

projection as a result of applying force to cause the eject button to move in a direction away from the slider, as taught by Suzuki. The rationale is as follows:

One of ordinary skill in the art would have been motivated to have had the eject button of Suganuma be fitted in a detachable manner as a result of engagement with a slider, wherein the engagement is achieved as a result of causing the eject button to move towards the slider, and a force causing the eject button to move in a direction away from the slider acts in a direction releasing the engagement, wherein the engagement is achieved by mutual engagement of an engaging hole provided at one of the eject button and the slider and an engaging projection providing at the remaining one of the eject button and the slider, and an inclined surface is formed at the engaging projection or an edge of an opening of the engaging hole so as to cause the engaging projection or the engaging hole to move in a direction away from the engaging hole or the engaging projection as a result of applying force to cause the eject button to move in a direction away from the slider, as taught by Suzuki, since such enables ejection button replacement.

Pertinent Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Nagashima et al. (US 5,537,673), Kim (US 5,979,836), Inoue et al. (US 6,904,606), Modorikawa (JP 07-073661) and Komori (JP 2002-160585), which each individually teaches a recording medium drive apparatus with a detachable front panel; Hoshi (JP 04-245059), which teaches a recording

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medium drive apparatus with a detachable eject button; Watanabe (US 5,513,054) and Kohyama et al. (US 2002/0114106), which each individually teaches a recording medium drive apparatus with an attachable front panel and an attachable eject button; Watanabe (US 5,633,768) and Tangi et al. (US 5,648,882), which each individually teaches a recording medium drive apparatus with an attachable front panel; and Takeda et al. (US 4,724,497), which teaches a recording medium drive apparatus with an attachable eject button.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner
Primary Examiner
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CAR